

ANNUAL TOWN MEETING
TRURO CENTRAL SCHOOL BALLFIELD
SATURDAY, JUNE 26, 2021

Annual Town Meeting began at 10:12am by the Moderator, Monica Kraft, having determined a quorum (100 registered voters) present, and stating that the Warrant for said Meeting was duly posted on June 11, 2021. A moment of silence was held for those we have lost and for those lost to COVID-19. A Town of Truro Acknowledgement of Indigenous Peoples, and the Wampanoag Nation was made by Select Board member, Jan Worthington. Public announcements followed, ending with procedures, rules, and guidelines for Town Meeting given by the Moderator.

Annual Town Meeting called to order at 10:27am. The following business was conducted:

CUSTOMARY & FINANCIAL ARTICLES

Article 1: Authorization to Hear the Report of Multi-member Bodies

To see if the Town will vote to hear reports of any multi-member body, whose annual report was not published in the 2020 Annual Town Report, or take any other action relative thereto.

Requested by the Select Board

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| Select Board Recommendation | 5 | 0 | 0 |
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Article 1: Moved and seconded to hear reports of any multi-member body, whose annual report was not published in the 2020 Annual Town Report. Motion carries.

Article 2: Authorization to Set the Salary of the Select Board

To see if the Town will vote to determine and set the salary for the Select Board for Fiscal Year 2022 at \$3,000 per member for a total of \$15,000, or take any other action relative thereto.

Requested by the Finance Committee

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| Finance Committee Recommendation | 5 | 0 | 0 |
| Select Board Recommendation | 5 | 0 | 0 |

Article 2: Moved and seconded to set the salary for the Select Board, as printed in the warrant. Motion carries.

Article 3: Authorization to Set the Salary of the Moderator

To see if the Town will vote to determine and set the salary for the Town Moderator for Fiscal Year 2022 at \$150, or take any other action relative thereto.

Requested by the Select Board

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| Finance Committee Recommendation | 5 | 0 | 0 |
| Select Board Recommendation | 4 | 0 | 1 |

Article 3: Moved and seconded to set the salary for the Town Moderator, as printed in the warrant. Motion carries.

Article 4: Amendments to the FY2021 Operating Budget Funded by Free Cash

To see if the Town will vote to appropriate from available funds (Free Cash) such sums of money necessary to supplement the operating budgets of the various Town departments for the current fiscal year 2020-2021 (FY2021), or take any other action relative thereto.

| FROM | TO | AMOUNT |
|--|--------------|-----------------|
| Free Cash | Snow Removal | \$50,000 |
| <i>To balance FY21 budget for emergency snow and ice removal operations.</i> | | |
| TOTAL | | \$50,000 |

Requested by the Select Board

Explanation: This is a customary article included in each Annual Town Meeting warrant to address any legal overdrafts (Snow Removal) and supplemental adjustments to current year appropriations. This year's request includes a transfer for the purpose of balancing the snow removal overdraft that occurred during the winter of 2020/2021.

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| Finance Committee Recommendation | 5 | 0 | 0 |
| Select Board Recommendation | 4 | 0 | 0 |

Article 4: Moved and seconded to appropriate from Free Cash the amounts listed in the warrant to supplement the operating budgets of the various Town departments for the current fiscal year. Motion carries.

Article 5: FY2022 Omnibus Budget Appropriation

To see if the Town will vote to raise and appropriate and transfer from available funds the sum of twenty-one million, six hundred eighty-nine thousand, one hundred dollars (\$21,689,100) to defray the expenses and charges of the Town of Truro in Fiscal Year 2022 (the period from July 1, 2021 through June 30, 2022), including the costs of public education, debt service and interest payments, and to meet said appropriation by the following means:

| Source | Amount |
|---|--------------|
| Raise through taxation | \$20,992,870 |
| Transfer from Beach Receipts Reserved for Appropriation | \$239,900 |
| Transfer from Pamet Harbor Receipts Reserved for Appropriation | \$85,700 |
| Transfer from Recreation Receipts Reserved for Appropriation | \$500 |
| Transfer from Conservation Commission Receipts Reserved for Appropriation | \$5,000 |
| Transfer from Educational/Governmental Programming Access Fund | \$89,380 |
| Dennis Family Gift Account | \$275,750 |

Or take any other action relative thereto.

Requested by the Select Board

*Explanation: The proposed Fiscal Year 2022 Operating Budget can be found as Appendix A in the Annual Town Meeting Warrant. The Budget format contains the expenditure figures for Fiscal Year 2020, appropriation figures for Fiscal Year 2021 (as amended), original requests for Fiscal Year 2021 from Town Departments, Finance Committee's recommendations and Town Manager/ Select Board FY2022 recommendation. Please refer to the Select Board's Message to the voters on page **Error! Bookmark not defined.** and the Finance Committee's Message on page **Error! Bookmark not defined.***

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| Finance Committee Recommendation | 4 | 0 | 1 |
| Select Board Recommendation | 5 | 0 | 0 |

Article 5: Moved and seconded to appropriate the sum of twenty-one million, six hundred eighty-nine thousand, one hundred dollars (\$21,689,100.00) to defray the expenses and charges of the Town of Truro in Fiscal Year 2022 (the period from July 1, 2021 through June 30, 2022), including the costs of public education, debt service and interest payments, and to meet said appropriation as printed in the warrant. Article 5 passes overwhelmingly.

Article 6: Transfer of Funds from Free Cash

SECTION 1: TO REDUCE OR STABILIZE THE FY2022 TAX RATE

To see if the Town will vote to transfer nine hundred thousand dollars (\$900,000) from Free Cash to reduce or stabilize the FY2022 Tax Rate, or to take any other action relative thereto.

Requested by the Select Board

Explanation: This is a customary article that transfers funds to offset the tax rate for the upcoming fiscal year. Annually, the Select Board uses certified free cash (unexpended

funds) as a revenue source to reduce the impact on the tax rate. Staff recommends gradually reducing the amount of free cash used in this manner in an effort to prepare for years that less free cash is available. Last year, \$1,000,000 of free cash was used to offset the tax rate.

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| Finance Committee Recommendation | 5 | 0 | 0 |
| Select Board Recommendation | 4 | 0 | 0 |

Article 6, Section 1: Moved and seconded to transfer nine hundred thousand dollars (\$900,000.00) from Free Cash to reduce or stabilize the FY2022 Tax Rate. It passes, by majority vote.

SECTION 2: TO THE OPEB TRUST FUND

To see if the Town will vote to transfer the sum of four hundred thousand dollars (\$400,000.00) from Free Cash to the Other Post-Employment Benefits (OPEB) Trust Fund, or take any other action relative thereto.

Requested by the Select Board

Explanation: This is a customary article that began at the 2014 ATM to transfer funds into the Other Post-Employment Benefits (OPEB) Trust Fund to cover further liability in accordance with government accounting standards. This year's proposal is to transfer four hundred thousand dollars (\$400,000.00). The balance as of March 1, 2021 in the fund is \$3,375,713.43.

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| Finance Committee Recommendation | 5 | 0 | 0 |
| Select Board Recommendation | 4 | 0 | 0 |

Article 6, Section 2: Moved and seconded to transfer the sum of four hundred thousand dollars (\$400,000.00) from Free Cash to the Other Post-Employment Benefits (OPEB) Trust Fund. Passes by majority vote.

SECTION 3: TO THE CAPITAL EXPENSE STABILIZATION FUND

To see if the Town will vote to transfer the sum of one hundred thousand dollars (\$100,000.00) from Free Cash to the Capital Expense Stabilization Fund, or take any other action relative thereto.

Requested by the Select Board

Explanation: This is a customary article that began at the 2016 ATM to transfer funds into the Capital Expense Stabilization Fund to plan for significant capital purchases that will occur several years in the future. Rather than waiting and appropriating or borrowing the entire sum in one year, this fund will allow us to reserve, with town meeting approval, incremental sums of money over time. When the project or purchase is ready to be funded, a town meeting vote will be required to appropriate the funds. The balance as of March 1, 2021 in the fund is \$432,778.81.

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| Finance Committee Recommendation | 5 | 0 | 0 |
| Select Board Recommendation | 4 | 0 | 0 |

Article 6, Section 3: Moved and seconded to transfer the sum of one hundred thousand dollars (\$100,000.00) from Free Cash to the Capital Stabilization Fund. Passes by majority vote.

SECTION 4: TO THE STABILIZATION FUND

To see if the Town will vote to transfer the sum of one hundred thousand dollars and no cents (\$100,000.00) from Free Cash to the Stabilization Fund, or take any other action relative thereto.

Requested by the Select Board

Explanation: This transfer will replenish funds that have been transferred to the General Fund over the past several years to pay accumulated benefit obligations to retiring employees. Free Cash will be used for that purpose in FY2022. The balance as of March 1, 2021 in the Stabilization Fund is \$1,116,734.22 or 5.1% of the proposed FY2022 Operating Budget. This transfer will bring the Town closer to the recommended 6-10% of operating expenditure budget for the Stabilization Fund.

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| Finance Committee Recommendation | 5 | 0 | 0 |
| Select Board Recommendation | 4 | 0 | 0 |

Article 6, Section 4: Moved and seconded to transfer the sum of one hundred thousand dollars (\$100,000.00) from Free Cash to the Stabilization Fund. Passes by majority vote.

SECTION 5: TO PURCHASE HEAVY-DUTY TRACTOR TRUCK REPLACEMENT

To see if the Town will vote to transfer the sum of one hundred seventy thousand dollars (\$170,000.00) from Free Cash to the Operating Capital Account (01013358) to pay costs of acquiring a heavy-duty tractor truck, and for the payment of all other costs incidental and related thereto; or take any other action relative thereto.

Requested by the Select Board

Explanation: The Department of Public Works requests a new Heavy-Duty Tractor Truck to use for transporting recycling and solid waste, and for hauling machines and equipment. The Department currently has a 1988 International Roll Off Truck, a 2000 Sterling Dump Truck, and a 1984 Brigadier Heavy Duty Tractor (not registered and not road-worthy) that will be decommissioned with the purchase of this Heavy-Duty Tractor Truck.

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| Finance Committee Recommendation | 3 | 2 | 0 |
| Select Board Recommendation | 4 | 0 | 0 |

Article 6, Section 5: Moved and seconded to transfer the sum of one hundred seventy thousand dollars (\$170,000.00) from Free Cash to the Operating Capital Account (01013358) to pay costs of acquiring a heavy-duty tractor truck, and for the payment of all other costs incidental and related thereto. Passes by majority vote.

SECTION 6: TO REPAIR/REPLACE WINDOWS, SHINGLES, SIDING, AND TRIM AT TRURO CENTRAL SCHOOL

To see if the Town will vote to transfer the sum of two hundred twenty- eight thousand, two hundred dollars (\$228,200.00) from Free Cash to the Operating Capital Account (01013358) to pay costs of repairing and replacing windows, shingles, siding and trim at the Truro Central School, and for the payment of all other costs incidental and related thereto; or take any other action relative thereto.

Requested by the Select Board

Explanation: This is a regular long-term maintenance project that will include re-shingling the exterior walls that have not been recently re-shingled and replacing a leaking bank of windows and the interior and exterior trim around them. The project will be completed in a single multi-week period during summer break.

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| School Committee Recommendation | | | |
| Finance Committee Recommendation | 5 | 0 | 0 |
| Select Board Recommendation | 4 | 0 | 0 |

Article 6, Section 6: Moved and seconded to transfer the sum of two hundred twenty-eight thousand, two hundred dollars (\$228,200.00) from Free Cash to the Operating Capital Account (01013358) to pay costs of repairing and replacing windows, shingles, siding and trim at the Truro Central School, and for the payment of all costs incidental and related thereto. Passes by majority vote.

SECTION 7: TO GENERAL FUND RESERVE FUND

To see if the Town will vote to transfer the sum of one hundred twenty-five thousand dollars (\$125,000.00) from Free Cash to the Reserve Fund (01013257) to be available for extraordinary or unforeseen expenditures in Fiscal Year 2022, or take any other action relative thereto.

Requested by the Select Board

Explanation: In accordance with MGL Chapter 40, Section 6, the Reserve Fund is a sum of money appropriated at Town Meeting to be used for "extraordinary or unforeseen expenditures." The Finance Committee approves or denies Reserve Fund Transfer requests in accordance with Massachusetts General Law and the Truro Select Board Policy #42. In recent years, Town Meeting has appropriated \$100,000 in the Omnibus Budget to the Reserve Fund. This year, \$100,000 is included in the FY2022 Omnibus Budget and \$125,000 of Free Cash is requested to bring the FY2022 Reserve

Fund total to \$225,000. This request brings the reserves of the Town more in line with Government Finance Officers Association recommendations.

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| Finance Committee Recommendation | 4 | 1 | 0 |
| Select Board Recommendation | 4 | 0 | 0 |

Article 6, Section 7: Moved and seconded to transfer the sum of one hundred twenty-five thousand dollars (\$125,000.00) from Free Cash to Reserve Fund (01013257) to be available for extraordinary or unforeseen expenditures in Fiscal Year 2022. Passes by majority vote.

Article 7: Council on Aging Revolving Fund

To see if the Town will vote pursuant to Section 1.1.8 of the General Bylaws to set the spending limit for the COA Revolving Fund for Fiscal Year 2022 at forty thousand dollars (\$40,000.00); or to take any other action relative thereto.

Requested by the Town Accountant

Explanation: This is a customary article required by Massachusetts General Law that sets expenditure limits for the Council on Aging Revolving Fund.

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| Finance Committee Recommendation | 5 | 0 | 0 |
| Select Board Recommendation | 5 | 0 | 0 |

Article 7: Moved and seconded to set the spending limit for the COA Revolving Found for Fiscal Year 2022 at forty thousand dollars (\$40,000.00). Passes by majority vote.

Article 8: Authorization to Expend Funds in Anticipation of Reimbursement for State Highway Assistance Aid

To see if the Town will vote to appropriate all sums provided to the Town pursuant to the Chapter 90 Highway Assistance Program of the Massachusetts Department of Transportation for purposes consistent with said program; or to take any other action relative thereto.

Requested by the Town Accountant

Explanation: The amount of the Chapter 90 funds to be awarded to Truro by the State for FY2022 is \$169,653.

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| Finance Committee Recommendation | 5 | 0 | 0 |
| Select Board Recommendation | 5 | 0 | 0 |

Article 8: Moved and seconded to appropriate all sums provided to the Town of Truro pursuant to the Chapter 90 Highway Assistance Program of the Massachusetts Department of Transportation for purposes consistent with said program. Passes by majority vote.

Article 9: Fund a Childcare Voucher Program

To see if the Town will vote to transfer from available funds the sum of \$112,500 to pay the costs of funding and administering a one-year pilot program voucher system for two-year-old children of Truro residents and two-year-old children of Town of Truro employees to attend a state-licensed childcare program. A voucher in the form of direct-to-provider tuition assistance up to a maximum of \$7,500 will be provided for each eligible child who has reached the age of no less than two years of age as of August 31, 2021, and are not three years or older as of August 31, 2021. The administration of this program and related funds shall be overseen by the Select Board or its designee, or take any other action relative thereto.

Requested by the Select Board

Select Board Comment: The Select Board worked with the Petitioner of Article 9 to create an article that addressed the newly expanded Truro Central School Pre-School Program which will accommodate all three- and four-year-olds, but will not accommodate two-year-olds. The new article also addresses the concerns of the Select Board and the need for administrative costs to be funded through this article. The program, if approved by Town Meeting voters, will be funded by free cash this year. If the program is successful, the program would need to be incorporated into the budget and/ or be subject to an override in subsequent years.

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| Finance Committee Recommendation | | | |
| Select Board Recommendation | 5 | 0 | 0 |

Article 9: Moved and seconded to transfer the sum of one hundred twelve thousand, five hundred dollars (\$112,500.00) from Free Cash to the Select Board Purchase of Services, Childcare Line Item (01012252-532201) to pay costs of funding and administering a one-year pilot program voucher system for two-year-old children of Truro residents and two-year-old children of Town of Truro employees to attend a state-licensed childcare program. A voucher in the form of direct-to-provider tuition assistance up to a maximum of \$7,500.00 will be provided for each eligible child who has reached the age of no less than two years of age as of August 31, 2021, and are not three years or older as of August 31, 2021. The administration of this program and related funds shall be overseen by the Select Board or its designee. After much discussion, motion made to move to question. Article 9 carries by a solid majority.

PETITIONED FINANCIAL ARTICLES

Article 10: Fund a Childcare Voucher Program- Petitioned Article

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$150,000 to pay the costs of funding a voucher system for two and three-year old children of Truro residents and children of Town of Truro employees to attend a state-licensed child care and/or state-licensed PreK program. Eligible children may

receive a maximum of \$7,500 per year in voucher support, and are children who have reached the age of no less than two years of age as of August 31st, and are not 4 years or older as of August 31st, and are children that cannot be accommodated in full at the Truro Central School PreK program. The administration of this program and related funds shall be overseen by the Select Board or their designee, or take any other action relative thereto.

Requested by Citizen Petition

Select Board Comment: This article was submitted by petition for consideration at Town Meeting.

Finance Committee Comment: The Finance Committee recommends that the motion on Town Meeting floor be to "transfer funds from free cash" to fund this article.

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| Finance Committee Recommendation | 3 | 0 | 1 |
| Select Board Recommendation | 0 | 5 | 0 |

Article 10: Moved and seconded to indefinitely postpone Article 10. It carries.

COMMUNITY PRESERVATION ACT ARTICLES

*Moved and seconded to vote **Article 11, Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9** as-a-whole. Motion passes. Moved and seconded to approve **Article 11, Sections 1 through 9** as printed in the warrant. Article 11, Sections 1 through 9, passes by a majority vote.*

Article 11: Community Preservation Act

SECTION 1: CONTRIBUTION TO THE AFFORDABLE HOUSING TRUST FUND

(Community
Housing)

To see if the Town will vote to appropriate the sum of Fifty Thousand dollars and no cents (\$50,000.00) from Projected Fiscal Year 2022 Community Preservation Act Surcharge Revenue, to contribute to the Truro Affordable Housing Trust Fund, or take any other action relative thereto.

Requested by Truro Housing Authority

Explanation: If a fund of money is immediately available to the Housing Authority, then the Housing Authority will be have time to act on opportunities that would be lost if the Housing Authority had to wait for Town Meeting or beyond to request money for a legitimate Community Housing project.

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| Finance Committee Recommendation | 5 | 0 | 0 |
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| Select Board Recommendation | 5 | 0 | 0 |
| Community Preservation Committee Recommendation | 5 | 0 | 0 |

Article 11, Section 1 passes by a majority vote.

SECTION 2: HOUSING CONSULTANT

(Community
Housing)

To see if the Town will vote to appropriate the sum of Twenty-five Thousand dollars and no cents (\$25,000.00) from Projected Fiscal Year 2022 Community Preservation Act Surcharge Revenue, to provide technical assistance to the Truro Housing Authority, and to enter into a grant agreement to set forth the terms and conditions thereof, or take any other action relative thereto.

Requested by Truro Housing Authority

Explanation: The Truro Housing Authority needs to continue receiving professional expertise in developing and implementing housing projects. The consultant will not be a full or part-time employee of the Town, but rather will work on particular projects on an "as needed" basis. These funds will be used for a consultant to continue to work on property acquisition, planning and educational programs on housing needs.

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| Finance Committee Recommendation | 5 | 0 | 0 |
| Select Board Recommendation | 5 | 0 | 0 |
| Community Preservation Committee Recommendation | 5 | 0 | 0 |

Article 11, Section 2 passes by a majority vote.

SECTION 3: PRESERVATION OF HIGHLAND HOUSE MUSEUM PERMANENT COLLECTION

(Historical Preservation)

To see if the Town will vote to appropriate the sum of Eighteen Thousand, Seven Hundred Eighty-four dollars and no cents (\$18,784.00) from Projected Fiscal Year 2022 Community Preservation Act Surcharge Revenue for the preservation of items in the permanent collection of Highland House Museum, and to enter into a grant agreement to set forth the terms and conditions thereof, or take any other action relative thereto.

Requested by the Truro Historical Society

Explanation: More Highland House Museum permanent historic resources will be displayed in the main exhibition hall; the Miss Betsey Holsbery 1858 Walling Map of Cape Cod will be cleaned and conserved; photographs and documents will be restored; and several Truro artists' works are to be reframed and repaired.

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| Finance Committee Recommendation | 5 | 0 | 0 |
| Select Board Recommendation | 5 | 0 | 0 |
| Community Preservation Committee Recommendation | 5 | 0 | 0 |

Article 11, Section 3 passes by a majority vote.

SECTION 4: EDGEWOOD FARM HISTORIC PRESERVATION PROJECT PHASE 5 (Historical Preservation)

To see if the Town will vote to appropriate the sum of Seventy-two Thousand, Five Hundred dollars and no cents (\$72,500.00) from Projected Fiscal Year 2022 Community Preservation Act Surcharge Revenue for a fifth phase of restoration and preservation of three historic buildings at Edgewood Farm, and to enter into a grant agreement to set forth the terms and conditions thereof, or take any other action relative thereto.

Requested by the Truro Center for the Arts at Castle Hill

Explanation: A deed restriction has been completed to keep Edgewood Farm historically preserved in perpetuity. Phase 5 plans include replacement of wooden downspouts on all three buildings, upgrades for historic outdoor lighting, and restoration of one bathroom.

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| Finance Committee Recommendation | 5 | 0 | 0 |
| Select Board Recommendation | 2 | 3 | 0 |
| Community Preservation Committee Recommendation | 5 | 0 | 0 |

Article 11, Section 4 passes by a majority vote.

SECTION 5: PUMA PARK ENHANCEMENT (Recreation)

To see if the Town will vote to appropriate the sum of Forty-eight Thousand, Four Hundred Five dollars and no cents (\$48,405.00) from Projected Fiscal Year 2022 Community Preservation Act Surcharge Revenue for shade sails to protect areas of Puma Park, and to enter into a grant agreement to set forth the terms and conditions thereof, or take any other action relative thereto.

Requested by the Truro Commission on Disabilities

Explanation: This phase of the project will include installation of a safe and accessible surface under the adult exercise equipment and the purchase of shade structures to provide shelter from the full sun at Puma Park.

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| Finance Committee Recommendation | 5 | 0 | 0 |
| Select Board Recommendation | 5 | 0 | 0 |
| Community Preservation Committee Recommendation | 5 | 0 | 0 |

Article 11, Section 5 passes by a majority vote.

SECTION 6: PAYOMET DRIVE-IN

(Recreation)

To see if the Town will vote to appropriate the sum of Twenty Thousand dollars and no cents (\$20,000.00) from Projected Fiscal Year 2022 Community Preservation Act Surcharge Revenue for improvement of the Highland Center Drive-In stage for recreational use, and to enter into a grant agreement to set forth the terms and conditions thereof, or take any other action relative thereto.

Requested by the Payomet Center for the Performing Arts

Explanation: The Payomet request is for construction of a bandshell covering for the stage at the Highlands Center Ballfield Drive-In. This would protect performers and anyone using the stage from the elements and would allow programming to continue in all weather for an extended season.

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| Finance Committee Recommendation | 4 | 1 | 0 |
| Select Board Recommendation | 5 | 0 | 0 |
| Community Preservation Committee Recommendation | 5 | 0 | 0 |

Article 11, Section 6 passes by a majority vote.

SECTION 7: ADMINISTRATIVE SUPPORT

To see if the Town will vote to appropriate the sum of Thirty-two Thousand, Five Hundred Ninety-one dollars and no cents (\$32,591.00) from Projected Fiscal Year 2022 Community Preservation Act Surcharge Revenue for the administrative expenses of the Community Preservation Committee, or take any other action relative thereto.

Requested by Community Preservation Committee

Explanation: The Community Preservation Act and the Truro Community Preservation Bylaws permit 5% of the projected Community Preservation Act surcharge revenue can be used for management of CPC operations, as well as for workshops, seminars, membership in the Community Preservation Coalition, printing, advertising and supplies and the like. Any money remaining at the end of the Fiscal Year will revert to the Community Preservation Act Undesignated Fund Balance.

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| Finance Committee Recommendation | 5 | 0 | 0 |
| Select Board Recommendation | 5 | 0 | 0 |
| Community Preservation Committee Recommendation | 6 | 0 | 0 |

Article 11, Section 7 passes by a majority vote.

SECTION 8: OPEN SPACE RESERVE

To see if the Town will vote to appropriate the sum of Sixty-five Thousand, One Hundred Eighty-one dollars and no cents (\$65,181.00) from Projected Fiscal Year 2022 Community Preservation Act Surcharge Revenue to reserve for the purpose of Open Space, or take any other action relative thereto.

Requested by the Community Preservation Committee

Explanation: The Community Preservation Act and the Truro Community Preservation Bylaws require 10% of the projected Community Preservation Act surcharge revenue be used for Open Space. This is the first year that there is no debt service or Open Space project request. The money will remain in reserve for future use.

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| Finance Committee Recommendation | 5 | 0 | 0 |
| Select Board Recommendation | 5 | 0 | 0 |
| Community Preservation Committee Recommendation | 6 | 0 | 0 |

Article 11, Section 8 passes by a majority vote.

SECTION 9: BUDGETED RESERVE

To see if the Town will vote to appropriate the sum of Three Hundred Nineteen Thousand, Three Hundred Fifty-two dollars and no cents (\$319,352.00) as a Budgeted Reserve from Projected Fiscal Year 2022 Community Preservation Act Surcharge Revenue for such projects as may be recommended by CPC to Town Meeting, or take any other action relative thereto.

Requested by Community Preservation Committee

Explanation: After the 10% allotments for Community Housing, Historic Preservation and Open Space are made or reserved for those purposes, a balance of \$319,352 will be reserved for approved CPA projects in any category including Recreation by Town Meeting approval. Any money remaining at the end of the Fiscal Year will be assigned to the Community Preservation Act Undesignated Fund Balance.

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| Finance Committee Recommendation | 5 | 0 | 0 |
| Select Board Recommendation | 5 | 0 | 0 |
| Community Preservation Committee Recommendation | 6 | 0 | 0 |

Article 11, Section 9 passes by a majority vote.

LAND CONVEYANCE ARTICLES

TWO-THIRDS
VOTE

Article 12: Authorization to Convey Town Property to the Truro Conservation Trust

To see if the Town will vote to transfer an .822-acre parcel located at 1 Pond Village Avenue (36-048) from the Tax Title Custodian to the Select Board, for the purpose of conveyance, including a conveyance to the Truro Conservation Trust, for nominal or no consideration, said land to be conserved as open space in perpetuity, and on such other terms and conditions as the Select Board shall determine; or take any other action relative thereto.

Requested by the Select Board

Explanation: This parcel is adjacent to 10 acres recently purchased by the Truro Conservation Trust (known as the "Twine Field" property) and across Pond Road from the Town-owned Pilgrim Park. The TCT has built publicly accessible trails and installed benches on the "Twine Field" property that has created a park-like setting to complement Pilgrim Park. The acquisition of this Town-owned parcel will enable the TCT to establish a permanent trailhead access on Pond Village Avenue and will expand the total amount of contiguous open space conserved in perpetuity for public use and wildlife habitat. This article was originally slated for the 2020 Annual Town Meeting but was deferred due to the COVID-19 pandemic.

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| Finance Committee Recommendation | 5 | 0 | 0 |
| Select Board Recommendation | 5 | 0 | 0 |

Article 12: Moved and seconded to transfer an .822-acre parcel located at 1 Pond Village Avenue (36-048) from the Tax Title Custodian to the Select Board, for the purpose of conveyance, including a conveyance to the Truro Conservation Trust, for nominal or no consideration, said land to be conserved as open space in perpetuity, and on such other terms and conditions as the Select Board shall determine. Article 12 carries by more than two-thirds vote.

Article 13: Accept Deed in Lieu of Foreclosure—135 South Pamet Road

To see if the Town will vote to accept a deed in lieu of foreclosure from Barbara R. Musnuff, or from the then current owner(s), pursuant to the provisions of G.L. Chapter 60, Section 77C, to a parcel of land identified as Assessors Map 48, Lot 7, said property described in a deed recorded with the Barnstable County Registry of Deeds in Book 2427, Page 117, located at 135 South Pamet Road, which is subject to tax takings held by the Treasurer/Collector for unpaid real estate taxes, said parcel to be under the care, custody, control and management of the Select Board for general municipal purposes,

and to authorize the Select Board to accept and record the deed, provided the Select Board determines that the deed and the acceptance shall comply with the provisions of G.L. Chapter 60, Section 77C, or take any other action relative thereto.

Requested by the Select Board

Explanation: The home at 135 South Pamet Road was demolished in 2018 after storm impacts and migrating sand rendered it unstable. The property serves as a public access to Ballston Beach. The owner of the property, Barbara Musnuff, has agreed to donate the property to the Town by a deed in lieu of foreclosure, which means any outstanding taxes are forgiven. This article authorizes the Select Board to accept a deed for the property.

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| Finance Committee Recommendation | 5 | 0 | 0 |
| Select Board Recommendation | 5 | 0 | 0 |

Article 13: Moved and seconded to accept a deed in lieu of foreclosure from Barbara R. Musnuff, or from the then current owner(s), pursuant to the provisions of G.L. Chapter 60, Section 77C, to a parcel of land identified as Assessors Map 48, Lot 7, said property described in a deed recorded with the Barnstable County Registry of Deeds in Book 2427, Page 117, located at 135 South Pamet Road, which is subject to tax takings held by the Treasurer/Collector for unpaid real estate taxes, said parcel to be under the care, custody, control and management of the Select Board for general municipal purposes, and to authorize the Select Board to accept and record the deed, provided the Select Board determines that the deed and the acceptance shall comply with the provisions of G.L. Chapter 60, Section 77C. Article 13 carries by majority vote.

GENERAL BYLAW ARTICLES

Article 14: Amend General Bylaws, Chapter 3 Prohibitions on the Use and Sale of Balloons

To see if the Town will vote to amend Chapter 3 of the General Bylaws by adding a new section as follows (new language shown in **bold underline**):

No person shall sell, use or distribute any type of balloon (including, and not limited to, plastic, latex or Mylar balloons) inflated with any type of lighter-than-air gas (including, and not limited to, helium gas). No person shall dispose of any balloon in any manner, including by release into the air, other than being contained in a plastic trash bag and transported to the Transfer Station.

This Bylaw may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. c. 40, §21D. If non-criminal disposition is elected, then any Establishment or individual violating any provision of this Bylaw shall be subject to the following penalties:

\$50.00 for first offense

\$100.00 for second offense

\$200.00 for third and subsequent offenses.

Each day that such violation continues shall be considered a separate offense.

or to take any other action relative thereto.

Requested by the Select Board

Explanation: This article would prohibit the sale, use, or distribution of helium (or similar) balloons, which often end up as litter on land or in the ocean and can be hazardous to animals and marine life.

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| Select Board Recommendation | 5 | 0 | 0 |
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Article 14: Moved and seconded to amend Chapter 3 of the General Bylaws to insert new section "Prohibitions on the Use and Sale of Balloons" as printed in the warrant. Article 14 passes by majority vote.

Article 15: Amend General Bylaws, Chapter 3 Municipal Single-Use Plastic Bottle Ban

To see if the Town will vote to adopt the following as a general bylaw and to insert it into the Chapter 3 of the General Bylaws (new language shown in **bold underline**):

The purchase by the Town of Truro of either water or any other beverage in single-use plastic bottles of any size is prohibited and the sale of non-carbonated, unflavored water in single-use plastic containers is prohibited on Town of Truro property.

Any Town department when engaged in public health and safety operations shall be exempt from this Bylaw.

Effective date: As soon as practicable but no later than September 1, 2021.

In the event of a declaration (by Emergency Management Director, or other duly-authorized Town, Commonwealth, or United States official) of an emergency affecting the availability and/or quality of drinking water for Truro residents the Town shall be exempt from this Bylaw until seven (7) calendar days after such declaration has ended.

or to take any other action relative thereto.

Requested by the Select Board

Explanation: The Select Board prepared a similar article for the 2020 Annual Town Meeting but opted to consider it at a future Town Meeting due to the COVID-19 Pandemic. A municipal plastic bottle ban was initiated on Cape Cod in 2019 and has been adopted by 13 of the 15 towns in Barnstable County as of year-end 2020. Plastic

bottles do not biodegrade and can last forever. Their production emits toxic waste into the air, and chemicals from plastic can leach into our beverages. When plastic bottles are discarded, they pollute the air if incinerated, contaminate groundwater if buried, clutter our beaches, forests, and roadways, and if ending up in our oceans threaten marine life. The proposed language provides for a municipal ban and a commercial ban that would apply solely to municipal property and would prohibit Town of Truro staff, officials, or other purchasing agents of the Town from purchasing any beverages in single-use plastic bottles as part of their official duties. It would also prohibit commercial entities from selling non-carbonated, unflavored water in single-use plastic containers on Town of Truro-owned property.

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| Select Board Recommendation | 4 | 0 | 1 |
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Article 15: Moved and seconded to amend Chapter 3 of the General Bylaws to insert new section "Municipal Single-Use Plastic Bottle Ban" as printed in the warrant. Article 15 passes by majority vote.

SELECT BOARD ARTICLES ORIGINATING FROM CITIZEN-PETITION

Article 16: Non- Binding Public Advisory Questions for Increased Security at Pilgrim Nuclear Power Station on Cape Cod Bay- Petitioned Article

Whereas, the high-level nuclear waste will remain at Pilgrim for decades or more in dry casks that present safety concerns, each holding half the radioactive cesium released at Chernobyl;

Whereas, the spent fuel pool remains full and is vulnerable to terrorist attack or accident that could cause radioactive contamination rendering our communities uninhabitable;

Whereas, due to lack of proper security on the property, there has been open access beyond the posted 'No Trespassing' signs to within line-of-sight of dry cases and spent fuel pool;

Whereas, during decommissioning, the Nuclear Regulatory Commission has abdicated its responsibility to protect the public by approving exemptions requested by new Pilgrim owner Holtec for reduced offsite liability insurance, cybersecurity, and offsite emergency planning;

Whereas, safety is a human right;

Whereas, citizens of the Town of Truro find this to be an unacceptable threat to our health and safety and must be resolved in the most timely manner;

Therefore, shall the people of the Town of Truro direct the local government to communicate to Governor Baker and the State Legislature to employ all means available to ensure that: (1) spent nuclear fuel is secured in better quality dry casks and hardened onsite, storage; and (2) spent fuel pool and casks are protected with heightened security

to prevent intrusion in order to protect the health, welfare, and economic interests of the Town of Truro and its inhabitants and visitors?

or take any other action relative thereto.

Requested by the Select Board

Petitioner Comment: This was submitted by petition for consideration at Town Meeting for inclusion as a non-binding public advisory question for the 2020 spring Town Ballot.

Select Board Comment: This was submitted by petition for consideration at the 2020 Annual Town Meeting and can be considered by Town Meeting as a non-binding advisory vote. The Select Board voted at their August 25, 2020 meeting to include the 2020 Annual Town Meeting petitioned articles on a subsequent special or annual Town Meeting as Select Board articles.

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| Select Board Recommendation | 5 | 0 | 0 |
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Article 16: Moved and seconded that the local government communicate to Governor Baker and the State Legislature to employ all means available to ensure that: (1) spent nuclear fuel is secured in better quality dry casks and hardened onsite, storage; and (2) spent fuel pool and casks are protected with heightened security to prevent intrusion in order to protect the health, welfare, and economic interests of the Town of Truro and its inhabitants and visitors. Article 16 passes by majority vote.

Article 17: Resolution in Support of Changing the State Flag & Seal of Massachusetts- Petitioned Article

To see if our Town, Truro, will support the following resolution to ask the governor to appoint a committee to change the Massachusetts State Flag, Motto, and Seal:

Resolution in Support of Changing the State Flag & Seal of Massachusetts

Whereas the history of the State of Massachusetts is replete with instances of conflict between the European Colonists and the Native Nations of the Region, who first extended the hand of friendship to the Colonists on their shores in 1620, and helped them to survive starvation during the settlers' first winters on their land;

Whereas members of the Native Nation for whom the State of Massachusetts is named were ambushed and killed by Myles Standish, first commander of the Plymouth Colony, in April of 1623, barely two years after the Pilgrims arrived on their shores;

Whereas the naked Colonial broadsword brandished above the head of the Native man on the Massachusetts State Flag and Seal is modeled over Myles Standish's own broadsword, borrowed from the Pilgrim Hall in Plymouth by the illustrator Edmund Garrett in 1884;

Whereas the belt binding the Native's cloak on the Flag and Seal is modeled after a belt worn by Metacomet, known to the English as King Philip, who was among the Wampanoag leaders who resorted to a mutually destructive war in 1675-76 in defense of Native lands against Euro-Colonial encroachment;

Whereas the proportions of the body of the Native man in the Flag and Seal were taken from a Native skeleton kept in Winthrop, the bow modeled after a bow taken from a Native man shot and killed by a colonist in Sudbury in 1665, and his features taken from a photograph of an Ojibwe chief from Great Falls, Montana, considered by the illustrator to be a "fine specimen of an Indian," though not from Massachusetts;

Whereas the history of relations between Massachusetts since Colonial times and the Native Nations who continue to live within its borders includes the forced internment of thousands of so-called "praying Indians" on Deer Island, in Boston Harbor, where they died by the hundreds of exposure in 1675, their subsequent enslavement in Boston, Bermuda, and the Caribbean Islands, the offering of 40 pounds sterling as bounty for the scalps of Native men, women and children in Massachusetts beginning in 1686, increased to 100 pounds sterling for the scalps of Native adult males by 1722, half that amount for Native women and children;

Whereas Native Nations within the boundaries of Massachusetts were kept in a state of serfdom, and their members legally considered incompetent wards of the state until the nonviolent action of the so-called Mashpee Rebellion of 1833 led to the granting of Native self rule by the Massachusetts legislature in 1834, as if the sovereign right of Native self-government was the Massachusetts legislature's to confer;

Whereas Native Americans were legally prohibited from even stepping foot into Boston from 1675 until 2004, when that law was finally repealed;

Whereas the 400th anniversary of the landing of the Euro-Colonists at Plymouth Plantation, which gave rise to the long chain of genocidal wars and deliberate policies of cultural destruction against Native Nations of this continent, is approaching in the year 2020, affording every citizen of the Commonwealth a chance to reflect upon this history and come to a new awareness of a better relationship between the descendants of the Euro-Colonial immigrants and the Native Nations of the Commonwealth;

Whereas the land area now known as the Town of Truro shares a rich Native history with modern tribal Nations like the Mohican, the Abenaki, and tribal groups like the Sokoki and the Pocumtuck and the Wampanoag who frequented this area for thousands of years before the first colonial settlers arrived.

Now, therefore, BE IT RESOLVED that the Town of Truro hereby adopts this resolution in support of H.2776 and S.1877, a "Resolve Providing for the creation of a Special Commission relative to the Seal and Motto of the Commonwealth," and requests that Representative Paul Mark and Senator Jo Comerford continue their strong advocacy and support for the aforementioned Resolve (H.2776 and S.1877) in the General Court, and that the Joint Committee on State Administration and Regulatory Oversight, after holding a public hearing on the Resolve report it out favorably, and if the legislation shall pass that the governor shall sign it and work with members of the General Court to ensure its enactment.

or take any other action relative thereto.

Requested by the Select Board

Select Board Comment: This was submitted by petition for consideration at the 2020 Annual Town Meeting and can be considered by Town Meeting as a non-binding advisory vote. The Select Board voted at their August 25, 2020 meeting to include the 2020 Annual Town Meeting petitioned articles on a subsequent special or annual Town Meeting as Select Board articles.

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| Select Board Recommendation | 5 | 0 | 0 |
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Article 17 moved and seconded to support the resolution to ask the governor to appoint a committee to change the Massachusetts State Flag, Motto, and Seal as printed in the warrant. Article 17 passes by majority vote.

Article 18: Charter Amendment to Sections 3-1-1 and 6-4-2- Petitioned Article

Whereas the Truro Planning is currently an elected multi-member body;

Whereas the intent of this article is to change the Truro Planning Board to a Select Board appointed multi-member body;

Now, therefore, to see if the Town will vote pursuant to G.L. c.43B, § 10 to amend Sections 3-1-1 and 6-4-2 of the Town Charter as set forth below, with ~~strikethrough~~ text to be deleted and **bold underlined** text to be inserted:

3-1-1 The membership of the following multi-member bodies shall be elected as follows:

A Moderator shall be elected for a three-year term.

A Board of Selectmen of five members.

A School Committee of five members.

~~A Planning Board of seven members.~~

A Board of Library Trustees of five members, notwithstanding the provisions of Section 10 of Chapter 78 of the General Laws.

A Housing Authority of four members in accordance with the General Laws.

A fifth member of the Housing Authority shall be appointed by the Commonwealth.

A Cemetery Commission of three members.

6-4-2 The regulatory multi-member bodies listed below shall be appointed by the Board of Selectmen in accordance with sections 4-3-2 and 6-2-6 of this Charter.

Board of Health
Board of Assessors
Conservation Commission
Zoning Board of Appeals
Planning Board

or take any other action relative thereto.

Requested by the Select Board

Select Board Comment: This article was submitted by petition for consideration at the 2020 Annual Town Meeting. The Select Board voted at their August 25, 2020 meeting to include the 2020 Annual Town Meeting petitioned articles on a subsequent special or annual Town Meeting as Select Board articles. Please note, because there is not transitional language included in this article, current members of the Planning Board would continue to serve until their elected-appointment expires or until they resign, and appointed positions could begin to be filled once a vacancy is scheduled to occur. This could mean a three-to five-year transition period if the article is approved at the Election Ballot in 2022 and after being approved by the Attorney General.

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| Select Board Recommendation | 1 | 2 | 2 |
| Charter Review Committee Recommendation | | | |

Article 18: Moved and seconded to amend, pursuant to G.L. c.43B. § 10, Sections 3-1-1 and 6-4-2 of the Town Charter as printed in the warrant. Discussion ensued. Motion made and seconded to indefinitely postpone. Article 18 indefinitely postponed by simple majority vote (114 for/83 against).

Article 19: Amend the Local Room Occupancy Excise Tax- Petitioned Article

To see if the Town will vote to amend the local room occupancy excise tax under G.L. c. 64G, §3A to the rate of 6%, or take any other action relative thereto.

Requested by the Select Board

Select Board Comment: This article was originally submitted by petition for consideration at the 2020 Annual Town Meeting. The Select Board voted at their August 25, 2020 meeting to include the 2020 Annual Town Meeting petitioned articles on a subsequent special or annual Town Meeting as Select Board articles. As originally written, this article was not in proper legal form, and as such, the Select Board modified the article to meet the intent of the initial article, which resulted in two separate articles. In this, the first of the two articles, the voters will consider increasing the local room occupancy tax from 4% to 6% effective October 1, 2021 (date provided by Massachusetts General Law). If approved, the second article (Article 20: To Establish an Affordable Housing Stabilization Fund and to Dedicate a Percentage of the Local Room Occupancy Excise Tax to Said Fund) will be considered so that an Affordable

Housing Stabilization Fund will be established and 33% of annual local room occupancy excise will be dedicated to said fund.

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| Finance Committee Recommendation | 5 | 0 | 0 |
| Select Board Recommendation | 4 | 1 | 0 |

Article 19: Motion made and seconded to amend the local room occupancy excise tax under G.L. c. 64G, §3A to the rate of 6%. Article 19 passes by majority vote.

**TWO-THIRDS
VOTE**

Article 20: To Establish an Affordable Housing Stabilization Fund and to Dedicate a Percentage of the Local Room Occupancy Excise Tax to Said Fund- Petitioned Article

To see if the Town, pending a favorable vote of Article 18: Amend the Local Room Occupancy Excise Tax, will vote to accept the fourth paragraph of G.L. c. 40, §5B to establish an affordable housing stabilization fund and to dedicate, without further appropriation, 33% of the annual local room occupancy excise to said stabilization fund to commence on October 1, 2021, or take any other action relative thereto.

Requested by the Select Board

Select Board Comment: This article was originally submitted by petition for consideration at the 2020 Annual Town Meeting. The Select Board voted at their August 25, 2020 meeting to include the 2020 Annual Town Meeting petitioned articles on a subsequent special or annual Town Meeting as Select Board articles. As originally written, this article was not in proper legal form, and as such, the Select Board modified the article to meet the intent of the initial article, which resulted in two separate articles. If Article 19: Amend the Local Room Occupancy Excise Tax is approved by Town Meeting, this article will be considered so that an Affordable Housing Stabilization Fund will be established and 33% of annual local room occupancy excise will be dedicated to said fund beginning on October 1, 2021.

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| Finance Committee Recommendation | 5 | 0 | 0 |
| Select Board Recommendation | 5 | 0 | 0 |

Article 20: Moved and seconded to accept the fourth paragraph of G.L. c. 40, §5B to establish an affordable housing stabilization fund and to dedicate, without further appropriation, 33% of the annual local room occupancy excise to said stabilization fund to commence on October 1, 2021.

Note: Scribe's error in body of warrant for article 20, " pending a favorable vote of Article 18." should read "...pending a favorable vote of Article 19." After much discussion, move to question passed. Article 20 passes by more than two-thirds in favor vote.

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| <p style="text-align: center;">TWO-THIRDS VOTE</p> |
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Article 21: Charter Amendment to Section 2-2-4- Petitioned Article

To see if the Town will vote to amend Section 2-2-4 of the Town Charter by adding new language as follows (new language shown **bold underline**), or to take any other action relative thereto.

2-2-4 *The Moderator shall appoint a Finance Committee in accordance with the provisions of Chapter 6. The Finance Committee shall act in an advisory capacity to the legislative branch, the Town Meeting. **The Moderator shall conduct an open search, selection and appointment process for candidates for new, renewing, and/or vacant seats for the Finance Committee. The Moderator will adhere to the procedures and practices used by the Select Board for appointed, members to Town committees and pursuant to General Law and to Chapter 6 of the Town Charter, as established and amended by Town Vote.***

Requested by the Select Board

Select Board Comment: This article was submitted by petition for consideration at Town Meeting. This article is problematic as written, as the Moderator is not subject to the requirements of the Open Meeting Law because the position is not a public multi-member body.

Petitioner's Comment: The Finance Committee serves an essential and significant role year-round in developing departmental and Town-wide budget(s) for approval annually at ATM Presently, members are appointed at the sole discretion of the Town Moderator in a private process. The public should have an opportunity to apply, make their skills and interests known to the Townspeople as well as the Moderator, and be subject to public interviews and transparent selection processes.

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| Select Board Recommendation | 0 | 4 | 1 |
| Charter Review Committee Recommendation | | | |

Article 21: Moved and seconded to amend Article 21 as follows by Petitioner: amend Section 2-2-4 of the Town Charter by adding new language as follows (new language shown **bold underline**)

2-2-4 The Moderator shall appoint a Finance Committee in accordance with the provisions of Chapter 6. The Finance Committee shall act in an advisory capacity to the legislative branch, the Town Meeting. ~~The Moderator shall conduct an open search, selection and appointment process for candidates for new, renewing, and/or vacant seats for the Finance Committee. The Moderator will adhere to the procedures and practices used by the Select Board for appointed, members to Town committees and pursuant to General Law and to Chapter 6 of the Town Charter, as established and amended by Town Vote.~~ **There will be a public, interview, selection, and appointment process for candidates for new, renewing, and/or vacant seats on the Finance Committee.** Vote on the amendment

passes by two-thirds majority. Discussion ensued. Motion made and seconded to indefinitely postpone. Article 21 indefinitely postponed by majority vote 95 in favor, 73 opposed.

ZONING BYLAW ARTICLES

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| TWO-THIRDS VOTE |
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Article 22: Amend Zoning Bylaw §40.2 Accessory Dwelling Unit - Petitioned Article

To see if the Town will vote to amend Section 40, Special Regulations, §40.2 Accessory Dwelling Unit, by deleting the language in ~~strike-through~~, adding the **bold underlined** wording and enumerate the bylaw correctly accordingly.

§40.2 Accessory Dwelling Unit

A. The purposes of this bylaw are to:

- 1. Increase the number of moderately priced, year-round rental dwelling units in Truro;*
- 2. Encourage a more economical and energy-efficient use of the Town's housing supply; and*
- 3. Provide homeowners with a means of obtaining rental income to defray housing costs.*

B. Requirements

- 1. One Accessory Dwelling Unit (ADU) per buildable lot may be allowed in any zoning district by obtaining an ADU **Building** Permit. ~~from the Planning Board.~~*
- 2. An ADU may be established within or attached to a principal dwelling, principal structure, or accessory structure, or constructed as a detached unit, and must be located on the same lot as the primary dwelling.*
- 3. The ADU must be in conformity with the State Building Code, Title V of the State Sanitary Code and all applicable town health, building, zoning and other local laws and regulations.*
- 4. An ADU within or attached to a principal dwelling, principal structure or accessory structure that is a pre-existing nonconforming use or structure shall not increase any existing nonconformity or create a new nonconformity without first obtaining a **Special** Permit or Variance, respectively, from the Zoning Board of Appeals.*

C. ADU Permit Criteria

- 1. The ADU shall be a complete, separate housekeeping unit containing both kitchen and sanitary facilities.*
- 2. The ADU shall not contain more than one thousand (1,000) square feet nor less than four hundred (400) square feet of Gross Floor Area as that term is defined in Section II of this Zoning By-law. Once an ADU has been added to a dwelling, structure or lot, the ADU shall not be enlarged beyond the square footage specified in the permit granted pursuant to this section without first obtaining a subsequent **ADU Building** Permit, ~~from the Planning Board~~, and in no case shall an ADU be permitted to exceed the square footage allowed by this section.*

3. At least two (2) off street parking spaces in addition to parking otherwise required for the property is required for an ADU.
4. An ADU shall be clearly subordinate in use, size, and design to the principal dwelling or structure. ~~considering the following: building architectural details, roof design, building spacing and orientation, building screening, door and window size and location, and building materials.~~ When accessory to a principal dwelling, the intent is to retain the appearance of a single-family dwelling and the privacy of abutters.
5. The principal dwelling and ADU and lot on which they are located shall remain in common ownership, and shall not be severed in ownership, including that the lot, buildings or units thereon shall not be placed in a condominium form of ownership.
6. Either the ADU or the principal dwelling on a lot with an ADU must be leased for a term of at least twelve (12) months. Rental of said unit for a period of less than twelve (12) months (including, but not limited to, seasonal rental and rental through vacation rental services and websites) is prohibited. Proof of year-round rental shall be provided annually to the Building Commissioner by the owner in the form of a lease and a signed affidavit from both the owner and renter stating the unit is being rented accordingly and is used as a primary residence.
7. ADUs permitted under this section shall be inspected annually or as frequently as deemed necessary by the Health and Building Departments for compliance with public safety and public health codes. The owner of the property shall be responsible for scheduling such inspection and shall pay any applicable inspection fees.

D. Procedure

1. Each application for a Permit shall be filed by the Applicant with the ~~Town Clerk~~ **Building Department** consisting of:
 - a. ~~An original and 14 copies of the Application for ADU Permit;~~
 - b. ~~15~~ Copies of the required plans and **in addition** to other required information under §40.2;
 - c. Applicable filing fee;
 - d. ~~List of abutters obtained from the Truro Assessing Department;~~
 - e. Site Plan or Site and Sewage Plan prepared by a registered professional engineer or registered sanitarian showing all property lines, existing and proposed structures on the parcel, and setbacks from roads and property lines for each structure. Building dimensions (height, stories, square footage) shall be shown on the plan.
 - f. Documentation of approval of the septic/wastewater treatment system from the Board of Health.
 - g. Building plans at a scale of no less than 1/8"= 1'-0", including floor plans and front, side and rear elevations of the ADU and principal dwelling or structure.
 - h. Affidavit declaring that the ADU and/or principal dwelling to which it is accessory will be rented on a twelve month basis.
 - i. Documentation of approval, if applicable, from the Conservation Commission.
 - j. Documentation of Special Permit or Variance, if applicable, from the Zoning Board of Appeals.

~~E. Public Hearing~~

- ~~1. Upon receipt of the application by the Truro Town Clerk, the Planning Board shall hold a duly noticed public hearing within 65 days of said filing. The Board shall:~~
 - ~~a. Give notice by advertisement in a newspaper of general circulation in the Town of Truro, no less than ten (10) days before the day of such hearing; and~~
 - ~~b. Give notice by posting such notice in a conspicuous place in the Town Hall for a period of not less than ten (10) days before the day of such hearing; and~~
 - ~~c. Give notice by mailing a copy of such advertisement to abutters to the subject property, abutters to abutters within 300 feet of the subject property, and owners of properties across the street from the subject property.~~

~~F. Findings of the Planning Board~~

- ~~1. The Planning Board shall grant an ADU Permit if it finds that the proposal complies with the provisions of this bylaw, §40.2, as amended. The concurring vote of four members of the Planning Board shall approve an ADU permit as submitted or with reasonable conditions. The Board shall deny the permit only if:~~
 - ~~a. The application is incomplete, and the applicant fails to complete the application within 21 days after written notice of the application's deficiencies, or~~
 - ~~b. The imposition of reasonable conditions will not ensure that the ADU will conform to the standards and criteria described herein, or~~
 - ~~c. The ADU does not comply with the requirements of the Zoning Bylaw.~~
- ~~2. The permit decision is not appealable.~~

G. Penalty

Failure of the applicant to comply with any provision of this section or the Permit is punishable by a fine established in Section 60.1 of the Truro Zoning Bylaws and shall entitle the ~~Planning Board~~, **Building Commissioner** after notice and public hearing, to revoke, modify or suspend the Permit. The Town shall be entitled to recover its litigation fees, including counsel fees, incurred in enforcement of this Bylaw.

H. Requirements for Tax Exemption

Qualifying ADUs permitted under this section are eligible to seek tax abatement pursuant to Chapter I, Section 10 of the Truro General Bylaws, Tax Exemption for Affordable Accessory Dwelling Units.

or to take any other action relative thereto.

Select Board Comment: This article was submitted by petition for consideration at Town Meeting.

Petitioner's Comment: This is a citizen petitioned article. This article was created to allow homeowners to build or convert an existing building to one (1) accessory dwelling unit on their property with the provision that it be rented year round as opposed to seasonally. This will benefit the community by increasing the opportunities for young

people to afford to live in town, enable elderly residents to downsize or rent a portion of their home and will help create a more well-rounded community. There is a segment of the community that earns more than allows them to qualify for affordable housing yet don't make enough to afford a home. This bylaw will allow residents to create opportunities for this segment of society to live in Truro. This change will remove the planning board from the process, allowing property owners to build ADUs as a "by right" designation meaning if it fits on your property without infringing on other zoning or health regulations, you can proceed without hearings and additional costs associated with filings.

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| Select Board Recommendation | 5 | 0 | 0 |
| Planning Board Recommendation | 0 | 6 | 0 |

Article 22: Moved and seconded to amend Section 40, Special Regulations, §40.2 Accessory Dwelling Unit, as printed in the Warrant with the exception of changing the language in Section C.2. to state "The ADU shall not be larger in floor area than ½ the floor area of the principal dwelling or 900 square feet, whichever is smaller, nor less than four hundred (400) square feet of Gross Floor Area as that term is defined in Section II of this Zoning By-law. Once an ADU has been added to a dwelling, structure or lot, the ADU shall not be enlarged beyond the square footage specified in the permit granted pursuant to this section without first obtaining a subsequent ADU Building Permit, and in no case shall an ADU be permitted to exceed the square footage allowed by this section" and to change §10.4, Dwelling Unit, Accessory to match this language. Discussion ensued. A motion was made and seconded to move Article 22 to the end of the Planning Board Articles in the Warrant, does not pass. Discussion ensues, Point of Order made, called to question, seconded and passes. Article 22 passes, a majority voted for this article.

Voter calls for Point of Order: "Do we have a quorum?" Count: 149. Moderator: "Yes, we have a quorum."

Article 23: Amend Zoning Bylaw §10.4 and §30.2 Food Truck Definition and Use and §30.9 Parking

(additions in underline, deletions in ~~cross-through~~)

To see if the Town will vote to amend the Zoning Bylaw by:

(a) Adding the following new definition to §10.4 Definitions:

Food Truck: A motorized truck, towable trailer, or cart that is used to sell or distribute food to consumers pursuant to a mobile food service permit and a hawker and peddler license and/or pursuant to a common victualler license.

(b) Adding "Food Trucks" to the §30.2 Use Table as follows:

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|-----------------------|
| PRINCIPAL USES |
|-----------------------|

| | | | | | | | |
|-------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| | R | BP | NT6A | TC | NTC | Rt6 | S |
| COMMERCIAL | | | | | | | |
| <u>Food Trucks (12)</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> |

NOTES

12. A Special Permit shall not be required for any location having received a license and/or permit for the operation of a Food Truck from the Town of Truro Select Board and/or Board of Health prior to April 28, 2020.

(c) Adding "Food Trucks" to the §30.9 Parking Schedule as follows:

| PRINCIPAL USE | PARKING REQUIREMENT |
|--------------------|--------------------------------|
| RESIDENTIAL | |
| <u>Food Trucks</u> | <u>2 spaces per food truck</u> |

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: This article recognizes food trucks as a land use and provides reasonable, flexible measures for public review. The Zoning Bylaw (hereafter "ZBL") does not currently include food trucks as a use, and thus food trucks are likely not allowed despite having existed throughout town for many years. Most notably there is a history of food trucks at Town beaches in the Residential and Seashore districts. This article defines and legalizes the use while grandfathering existing locations, provides for noticed public hearings before the Zoning Board of Appeals for any new location proposed, and adds reasonable parking requirements. The act of adding the use also brings clarity to the existing practice of requiring Commercial Site Plan Review for new locations.

Select Board Comment:

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|-------------------------------|---|---|---|
| Planning Board Recommendation | 6 | 0 | 0 |
| Select Board Recommendation | 4 | 0 | 1 |

Article 23: Moved and seconded to amend the Zoning Bylaw §10.4 and §30.2 Food Truck Definition and Use and §30.9 Parking by adding a new definition to §10.4 Definitions and by adding "Food Trucks" to the §30.2 Use Table and by adding "Food Trucks" to the §30.9 Parking Schedule as printed in the Warrant. Article 23 passes by more than two-thirds vote.

Motion made to consolidate and vote Articles 24 through 33 as a whole.

TWO-THIRDS
VOTE

Article 24: Amend Zoning Bylaw §30.9 Parking, C. Off Street Parking Schedule

To see if the Town will vote to amend Zoning Bylaw §30.9 Parking Schedule as follows:
(additions in underline, deletions in ~~cross-through~~)

C. Off Street Parking Schedule:

2. These standards are the minimum requirement. The Planning Board under Site Plan Review, or the Zoning Board of Appeals by Special Permit when Site Plan Review is not required, may vary the required number of spaces if the nature and scale of a proposed use warrants such a change.

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: This article provides a process for the modification of parking requirements. Currently these requirements can be modified during Site Plan Review, but there is not a mechanism for projects that do not require Site Plan Review. This article allows modifications to be issued by the Zoning Board of Appeals after a noticed public hearing.

Select Board Comment:

| | | | |
|-------------------------------|---|---|---|
| Planning Board Recommendation | 6 | 0 | 0 |
| Select Board Recommendation | 5 | 0 | 0 |

TWO-THIRDS
VOTE

Article 25: Amend Zoning Bylaw §40.2 Accessory Dwelling Unit, C. ADU Permit

To see if the Town will vote to amend Zoning Bylaw §40.2 Accessory Dwelling Unit as follows: (additions in underline, deletions in ~~cross-through~~):

C. ADU Permit Criteria

3. At least two (2) off street parking spaces in addition to parking otherwise required for the property is required for an ADU. This requirement may be reduced or waived at the discretion of the Planning Board.

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: This article allows for reduction of the parking requirement for ADUs as part of the noticed public hearing process for ADU permits. It recognizes that unforeseen circumstances may exist to justify the requirement is unnecessary and creates a hardship for homeowners looking to add an ADU to their property. For instance, some small ADUs may clearly be intended for one person and not require 2 parking spaces.

Select Board Comment:

| | | | |
|-------------------------------|---|---|---|
| Planning Board Recommendation | 5 | 1 | 0 |
| Select Board Recommendation | 5 | 0 | 0 |

**TWO-THIRDS
VOTE**

Article 26: Amend Zoning Bylaw §40.2 Accessory Dwelling Unit, D. Procedure

To see if the Town will vote to amend Zoning Bylaw §40.2 Accessory Dwelling Unit by adding new language and deleting language as follows (additions in underline, deletions in ~~cross-through~~):

D. Procedure

1. Each application for a Permit shall be filed by the Applicant with the Town Clerk consisting of:

- a. An original and ~~44~~ 9 copies of the Application for ADU Permit;
- b. ~~15~~ 10 paper copies and one digital copy of the required plans and other required information under §40.2

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: This article reduces the required number of physical copies of applications and adds requirements for the submittal of digital copies. Most applications are distributed to Town staff electronically, reducing the need for paper copies.

Select Board Comment:

| | | | |
|-------------------------------|---|---|---|
| Planning Board Recommendation | 6 | 0 | 0 |
| Select Board Recommendation | 5 | 0 | 0 |

TWO-THIRDS
VOTE

Article 27: Amend Zoning Bylaw §40.2 Accessory Dwelling Unit, D. Procedure

To see if the Town will vote to amend Subsection D of Zoning Bylaw §40.2 Accessory Dwelling Unit by deleting language as follows (additions in underline, deletions in ~~cross-through~~):

D. Procedure

...

~~f. Documentation of approval of the septic/wastewater treatment system from the Board of Health.~~

...

~~i. Documentation of approval, if applicable, from the Conservation Commission.~~

~~j. Documentation of Special Permit or Variance, if applicable, from the Zoning Board of Appeals.~~

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: This article eliminates submittal requirements that are not germane to the jurisdiction of the Planning Board in their review of ADU permit applications. It does not eliminate the need for ADUs to receive all necessary permits. The Building Commissioner and Health/Conservation Agent will continue to review these requirements through the building permit process. Additionally, the submittal requirements to be eliminated currently require that the Planning Board must always be the final regulatory board to review ADUs when it may be logical to go in an alternate order under certain circumstances.

Select Board Comment:

| | | | |
|-------------------------------|---|---|---|
| Planning Board Recommendation | 6 | 0 | 0 |
| Select Board Recommendation | 5 | 0 | 0 |

TWO-THIRDS
VOTE

Article 28: Amend Zoning Bylaw §40.2 Accessory Dwelling Unit, D. Procedure

To see if the Town will vote to amend Subsection D of Zoning Bylaw §40.2 Accessory Dwelling Unit by adding new language and deleting language as follows (additions in underline, deletions in ~~cross-through~~):

D. Procedure

...

g. Building floor plans at a scale of no less than 1/8"= 1'-0", ~~including floor plans and front, side and rear elevations of the ADU and principal dwelling or structure.~~

h. For ADUs proposed in a new structure or that require the modification of the exterior of an existing structure, building elevations at a scale of no less than 1/8"= 1'-0" of the dwelling or structure that contains the ADU.

i. Photographs of the exterior of the existing principal dwelling taken from the north, south, east, and west.

j. For ADUs proposed within an existing accessory structure, photographs of the exterior of the existing accessory structure taken from the north, south, east, and west.

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: This article eliminates the need for ADU permit applications to include building elevation plans for proposals where there are no exterior changes to a building proposed. This is an unnecessary cost to applicants, and existing conditions can easily be documented with photographs.

Select Board Comment:

| | | | |
|-------------------------------|---|---|---|
| Planning Board Recommendation | 6 | 0 | 0 |
| Select Board Recommendation | 5 | 0 | 0 |

TWO-THIRDS
VOTE

Article 29: Amend Zoning Bylaw §40.2 Accessory Dwelling Unit, F. Findings of the Planning Board

To see if the Town will vote to amend Subsection F of Zoning Bylaw §40.2 Accessory Dwelling Unit by deleting language as follows (additions in underline, deletions in ~~cross-through~~):

F. Findings of the Planning Board

...

~~2. The permit decision is not appealable.~~

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: This article recognizes that a town cannot deny appeal rights through stating such in a zoning bylaw. Any discretionary permit (including an ADU permit) issued through zoning is appealable under state law by either the applicant or another interested party. Further, the current language may create confusion regarding the particular type of court appeal that should be filed resulting in additional unnecessary legal costs to the applicant, the Town, or both.

Select Board Comment:

| | | | |
|-------------------------------|---|---|---|
| Planning Board Recommendation | 6 | 0 | 0 |
| Select Board Recommendation | 5 | 0 | 0 |

**TWO-THIRDS
VOTE**

Article 30: Amend Zoning Bylaw §40.2 Accessory Dwelling Unit, H. Requirements for Tax Exemption and §10.4 Definitions

To see if the Town will vote to amend the Zoning Bylaw by

(a) adding new language and deleting language in Subsection H of §40.2 Accessory Dwelling Unit as follows (additions in underline, deletions in ~~cross-through~~):

H. Requirements for Tax Exemption

Qualifying ADUs permitted under this section are eligible to seek tax abatement pursuant to Chapter I, Section 40 11 of the Truro General Bylaws, Tax Exemption for Affordable Accessory Dwelling Units.

And by

(b) deleting from §10.4 Definitions the following definition in its entirety:

~~Dwelling Unit, Affordable Accessory. A rental dwelling unit either detached from or located within or attached to a principal dwelling, principal structure, garage, containing at least four hundred (400) square feet but not more than one thousand four hundred (1,400) square feet of Gross Floor Area. Accessory unit shall be restricted to remain affordable by conditions attached to the Special Permit issued by the Planning Board and be occupied by income-eligible households determined in accordance with HUD Income and Fair Market Rental Guidelines. (04/07)~~

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: This article corrects a scrivener's error referencing the General Bylaws and removes an obsolete definition for Affordable Accessory Dwelling Units. The ZBL previously contained provisions for Affordable ADUs, but this was replaced with the adoption of the current ADU bylaw.

Select Board Comment:

| | | | |
|-------------------------------|---|---|---|
| Planning Board Recommendation | 6 | 0 | 0 |
| Select Board Recommendation | 5 | 0 | 0 |

TWO-THIRDS
VOTE

Article 31: Amend Zoning Bylaw §70.3 Commercial Development

To see if the Town will vote to amend Subsection D of Zoning Bylaw §70.3 Commercial Development by adding new language and deleting language as follows (additions in underline, deletions in ~~cross-through~~):

D. Procedures and Plan Requirements

1. Each application for Commercial Site Plan Review shall be filed by the Applicant with the Town Clerk consisting of:
 - a. An original and 44 9 copies of the Application for Site Plan Review;
 - b. ~~45~~ 10 paper copies and one digital copy of the required plans and other required information per subsection 3 below;

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: This article reduces the required number of physical copies of applications and adds requirements for the submittal of digital copies. Most applications are distributed to Town staff electronically, reducing the need for paper copies.

Select Board Comment:

| | | | |
|-------------------------------|---|---|---|
| Planning Board Recommendation | 6 | 0 | 0 |
| Select Board Recommendation | 5 | 0 | 0 |

TWO-THIRDS
VOTE

Article 32: Amend Zoning Bylaw §70.4 Residential Development

To see if the Town will vote to amend Subsection C of Zoning Bylaw §70.4 Residential Development by adding new language and deleting language as follows (additions in underline, deletions in ~~cross-through~~):

C. Procedures and Plan Requirements

1. Each application for Residential Site Plan Review shall be filed by the Applicant with the Town Clerk consisting of:
 - a. An original and 44 9 copies of the Application for Site Plan Review;

- b. ~~45~~ 10 paper copies and one digital copy of the required plans and other required information per subsection 3 below;

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: This article reduces the required number of physical copies of applications and adds requirements for the submittal of digital copies. Most applications are distributed to Town staff electronically, reducing the need for paper copies.

Select Board Comment:

| | | | |
|-------------------------------|---|---|---|
| Planning Board Recommendation | 6 | 0 | 0 |
| Select Board Recommendation | 5 | 0 | 0 |

TWO-THIRDS
VOTE

Article 33: Amend Zoning Bylaw §70.6 Recording of Decision

To see if the Town will vote to amend Zoning Bylaw §70.6 Recording of Decision by adding new language and deleting language as follows (additions in underline, deletions in ~~cross-through~~):

It shall be the responsibility of the applicant to obtain a true attested copy of the decision from the Town Clerk. The applicant shall be responsible for recording the Planning Board Commercial or Residential Site Plan decision at the Barnstable Registry of Deeds or Land Court, as applicable. Prior to the issuance of a building permit, the applicant shall present evidence of such recording to the Building Commissioner and the ~~Planning Board Secretary~~ Planning Department.

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: This article acknowledges that filings are currently being handled by professional staff at Town Hall and brings the ZBL in line with this practice.

Select Board Comment:

| | | | |
|-------------------------------|---|---|---|
| Planning Board Recommendation | 6 | 0 | 0 |
| Select Board Recommendation | 5 | 0 | 0 |

Articles 24 through 33: Motion made and seconded to adopt Articles 24 through 33 as printed in the Warrant. Articles 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33 all approved by two-thirds vote.

TWO-THIRDS
VOTE

Article 34: Amend Zoning Bylaw §70.9 Waiver of Site Plan Review

To see if the Town will vote to amend Zoning Bylaw §70.9 Waiver of Site Plan Review by adding new language and deleting language as follows (additions in underline, deletions in ~~cross-through~~):

The Planning Board may determine at its discretion without a public hearing that submission of a Commercial ~~or Residential~~ Site Plan review application is not required when the alteration, construction, or reconstruction of an ~~existing~~ building or structure or new use or change in use will not have a significant impact: within the site or in relation to adjacent properties and streets; on pedestrian and vehicular traffic; on public services and infrastructure, or on unique environmental and historic resources, abutting properties; or community needs. Site Plan Review shall not be waived in the Seashore District.
(4/17)

A waiver from Commercial ~~or Residential~~ Site Plan Review must be requested by the applicant using the appropriate Site Plan Review Application form. The form, applicable filing fee and supporting documentation to establish that such review is not required shall be filed with the ~~Planning Board Secretary~~ Town Clerk. A waiver request will be considered at a regular session of the Planning Board.

Upon the decision of the Planning Board, a copy of the decision shall be sent to the applicant, the owner, the representative, if any, and the Building Commissioner.

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: This article does three things:

- 1. It clarifies that Residential Site Plan Review cannot be waived because Residential Site Plan Review is only required in the Seashore district, and the bylaw states that Site Plan Review cannot be waived in the Seashore district.*
- 2. It allows for the waiver of Commercial Site Plan Review for new buildings that do not create significant impacts. For example, the ZBL currently allows a waiver for a 2,000 sq. ft. addition to an existing commercial building, but it does not allow a waiver for a new 200 sq. ft. shed.*
- 3. It acknowledges that filings are currently made with the Town Clerk and brings the ZBL in line with this practice.*

Select Board Comment:

| | | | |
|-------------------------------|---|---|---|
| Planning Board Recommendation | 6 | 0 | 0 |
| Select Board Recommendation | 3 | 0 | 2 |

Article 34: Moved and seconded to amend Zoning Bylaw §70.9 Waiver of Site Plan Review as printed in the Warrant. Article 34 passes by more than two-thirds vote.

**TWO-THIRDS
VOTE**

Article 35: Amend Zoning Bylaw §40.6 Growth Management

To see if the Town will vote to amend Zoning Bylaw §40.6 Growth Management by adding new language and deleting language as follows (additions in underline, deletions in ~~cross-through~~):

- A. Purpose. The purpose of §40.6 of the bylaw is to provide adequate time for the Town to plan and prepare for the effects of future residential growth, and ensure that the pace of growth does not diminish the Town's rural character, impair natural resources or overwhelm town services or infrastructure. The gradual pace of development afforded by the bylaw will provide opportunities for the Town to: 1) purchase and protect open spaces, thereby reducing the Town's ultimate density and preserving, as much as possible, the Town's rural character; 2) undertake comprehensive planning to identify a community land use vision to guide the regulation of land use and development; 3) assess the impacts of anticipated growth on town infrastructure, roads, drinking water supply and fresh and marine wetlands and water bodies, and plan appropriate measures to protect the integrity of those resources; and 4) develop a financially sustainable plan for the provision of town services and infrastructure necessary to support the community's land use vision. This section, 40.6, shall expire on December 31, ~~2021~~, 2024.

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: This article extends the date of expiration of the Growth Management Bylaw from December 31, 2021 to December 31, 2024. This extension will allow the Town to continue and complete the tasks identified in the Purpose section, including an update to the Town's Local Comprehensive Plan. Most recently, the COVID 19 emergency halted the Town's efforts to pursue this essential planning process. An extension will provide the time required for this process.

Select Board Comment:

| | | | |
|-------------------------------|---|---|---|
| Planning Board Recommendation | 6 | 0 | 0 |
| Select Board Recommendation | 1 | 3 | 1 |

Article 35: Moved and seconded to amend Zoning Bylaw §40.6 Growth Management as printed in the Warrant. Article 34 does not pass by two-thirds, it fails (66 for/47 against).

NEW PETITIONED ARTICLES

Moved and seconded to advance and move Article 42 out of order, passes.

Article 42: Special Act to Create a Year-round Rental Housing Trust- Petitioned Article

To see of the Town will vote to direct the Select Board to prepare and file a home rule petition, in the form and manner outlined below, with the General Court that would create a Year-Round Rental Housing Trust; provided that the General Court may make clerical or editorial changes of form only to said bill, unless the Select Board approves amendments thereto prior to enactment by the General Court, and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or to take any other action relative thereto.

The Home Rule Petition would read:

SECTION 1: There shall be a municipal trust to be known as the Truro Year-round Market Rate Rental Housing Trust. The trust is established to create and preserve year-round rental units in the town of Truro including, but not limited to, market rate units, for the benefit of residents of the town.

SECTION 2:

- (a) The trust shall be managed by a 5 member board of trustees. In selecting members of the board of trustees, the board of selectmen shall:
 - (i) designate 1 of its members to serve on the board of trustees;
 - (ii) appoint at least 1 member of the public at large, preferably a resident who lives in year-round market rate rental housing in the town, to serve on the board of trustees; and
 - (iii) consider a broad range of expertise, including education and experience in real estate development and financing, in appointing the remaining 3 members to the board of trustees.
- (b) Members of the board of trustees shall be sworn to the faithful performance of their official duties. A majority of the 5 members shall constitute a quorum for the transaction of any business. The board of trustees shall elect from among its members a chairman, vice-chairman, clerk and other officers as it finds necessary and determine their duties.
- (c) The original members of the board of trustees shall be appointed within 60 days following the effective date of this act. Of the members of the board of trustees first appointed, 1 member shall be appointed to serve for a term of 1 year, 2 members for a term of 2 years and 2 members for a term of 3 years. The initial appointments may be adjusted to coincide with the regular appointment cycle of the town. All terms thereafter shall be for 3 years. In the event of a vacancy on the board of trustees, a successor member shall be appointed to complete the unexpired term.

- (d) Any member of the board of trustees may be removed by the board of selectmen for cause after reasonable notice and a public hearing by the board of selectmen, unless the notice and hearing are expressly waived in writing by the member subject to removal.
- (e) The members of the board of trustees shall not receive compensation for the performance of their duties, but each member shall be reimbursed by the trust for expenses incurred in the performance of the member's duties. Documentation related to such reimbursement shall be open to public inspection from and after the requisition thereof.

SECTION 3:

- (a) There shall be a trust fund to be known as the Year-round Market Rate Rental Housing Trust Fund. The fund shall be separate and apart from the General Fund of the town of Truro.
- (b) The town treasurer shall be the custodian of the trust fund.
- (c) The trust fund shall receive and hold all gifts and grants made to the trust fund as well as money appropriated by the town to the trust. The trust fund shall also receive all revenues from the sale or lease of trust property and any rental income generated from properties in the custody of the trust.
- (d) Money in the trust fund shall be available for expenditure by the trust for the purposes set forth in this act without the need for further appropriation by town meeting.
- (e) By a 2/3 vote, the town may borrow money in aid of the trust, in accordance with chapter 44, to be used by the trust for any capital related purpose consistent with this act and for which the town is authorized to borrow.
- (f) Funds previously appropriated by the town for the creation of year-round rental housing prior to the effective date of this act shall, by operation of law, be automatically transferred into the trust fund.

SECTION 4:

- (a) The trust, by and through its board of trustees, may:
 - (i) accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity or any other source;
 - (ii) purchase and retain real or personal property including, but not limited to, investments that yield a high rate of income or no income;
 - (iii) sell, lease, exchange, transfer or convey personal, mixed or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;
 - (iv) execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to a transaction in which the board engages for the accomplishment of the purposes of the trust;

- (v) employ advisors and agents, such as accountants, appraisers and lawyers, as the board deems necessary;
 - (vi) pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;
 - (vii) apportion receipts and charges between incomes and principal as the board deems advisable, amortize premiums and establish sinking funds for such purpose and create reserves for depreciation depletion or otherwise;
 - (viii) participate in reorganization, recapitalization, merger or similar transactions, give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest and consent to a contract, lease, mortgage, purchase or sale of a property, by or between a corporation and another corporation or person;
 - (ix) deposit any security with a protective reorganization committee and delegate to that committee such powers and authority with relation thereto as the board may deem proper and pay, out of trust property, the portion of expenses and compensation of such committee as the board may deem necessary and appropriate;
 - (x) carry property for accounting purposes other than acquisition date values;
 - (xi) borrow money on such terms and conditions and from such sources as the board deems advisable, and mortgage and pledge trust assets as collateral;
 - (xii) make distributions or divisions of principal in kind;
 - (xiii) comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, accept any property, either in total or partial satisfaction of any indebtedness or other obligation and, subject to this act, continue to hold the same for such period of time as the board may deem appropriate;
 - (xiv) manage or improve real property and abandon any property which the board determines is not worth retaining;
 - (xv) hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and
 - (xvi) extend the time for payment of any obligation to the trust.
- (b) General revenues appropriated into the trust become trust property and may be expended without further appropriation. All money remaining in the trust at the end of a fiscal year, whether or not expended by the board within 1 year of the date the money was appropriated into the trust, shall remain trust property.
- (c) The trust is a public employer and the members of the board are public employees for the purposes of chapter 258 of the General Laws.
- (d) The trust shall be deemed a municipal agency and the trustees special municipal employees, for the purposes of chapter 268A of the General Laws.
- (e) The trust is exempt from chapters 59 and 62 of the General Laws, and from any other General Law concerning payment of taxes based upon or measured by property or income imposed by the commonwealth or a political subdivision of the commonwealth.

- (f) The books and records of the trust shall be audited annually by an independent auditor in accordance with generally accepted accounting practices.
- (g) The trust is a public body for the purposes of sections 18 to 25, inclusive, of chapter 30A of the General Laws.
- (h) The trust is a board of the town for the purposes of chapters 30B and section 15A of chapter 40 of the General Laws; provided, however, that agreements and conveyances between the trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the town shall be exempt from said chapter 30B.
- (i) The trust may procure insurance against loss in connection with its properties and other assets and operations in such amount and from such insurers as it deems desirable.
- (j) The trust may act and do things necessary or convenient to carry out the powers expressly granted in this act.
- (k) The board of trustees shall be considered a town board subject to the charter and by-laws of the town except as may be otherwise expressly provided in this act. The members of the board of trustees shall be considered municipal employees for the purposes of the General Laws.

SECTION 5: A year-round market rate rental housing project shall not be undertaken by the trust until a public hearing relating to the project has been held by the board of trustees after due notice. Further, after due notice, the board of trustees shall hold at least 1 public hearing annually to receive comments about its management and operations. Due notice of public hearing shall be given by the trust to the general public through a legal notice in 2 newspapers having a general circulation in the town published not later than 2 weeks prior to the hearing date.

SECTION 6: The financial records of the trust shall be subject to control and oversight by the town's finance department and subject to yearly audits by the accounting firm employed by the town for the purposes of the regular town audit.

SECTION 7: Year-round market rate rental units shall be rented giving the maximum preference allowed by law to: (i) current residents of the town of Truro; (ii) municipal employees; (iii) employees of local businesses; and (iv) households with children attending schools in the town of Truro. If there are more eligible applicants than available year-round market rate rental units, the trust shall utilize a lottery system to select tenants. The trust may enact regulations establishing additional preference criteria based on income eligibility. For the purposes of this act, the term "market rate" shall mean rental housing that is not restricted to occupancy by low or moderate income households, as those terms are defined in section 38D of chapter 121B of the General Laws; provided, however, that market rate housing may be available for occupancy by households without regard to income and may also include housing subject to maximum income limits to be occupied by households with gross income greater than 80 per cent but not more than 200 per cent of the area median household income as most recently determined by the United States Department of Housing and Urban Development, adjusted for household size. The trust may enact regulations establishing alternative or additional definitions for "market rate".

SECTION 8: This act, being necessary for the welfare of the commonwealth and the town of Truro and its inhabitants, shall be liberally construed to effect its purpose.

SECTION 9: This act shall take effect upon its passage.

Requested by Citizen Petition

Select Board Comment: This article was submitted by petition for consideration at Town Meeting.

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|----------------------------------|---|---|---|
| Finance Committee Recommendation | 5 | 0 | 0 |
| Select Board Recommendation | 5 | 0 | 0 |

Article 42: Moved and seconded to direct the Select Board to petition the General Court for a special act, providing for the creating of a Year-round Rental Housing Trust, as set forth in the Warrant, and that the General Court be authorized with the approval of the Select Board to make constructive changes in the text thereof as may be necessary or advisable in order to accomplish the intent of this legislation to secure its passage. Discussion ensued. Motion made to amend Article 42 by adding the following," This Trust should not be funded by Town Tax Dollars or Fees now or in the future." Moved and seconded to vote on amendment. Amendment fails. Article 42 as written in the Warrant passes by majority vote.

Article 36: Amendment to General Bylaws Chap 3—Add Municipal Single-Use Bottle Ban- Petitioned Article

To see if the Town will vote to adopt the following as a general bylaw and to insert it into the Chapter 3 of the General Bylaws (new language shown in **bold underline**):

The purchase by the Town of Truro of either water or any other beverage in single-use plastic bottles of any size is prohibited and the sale of water or any beverage in single-use plastic containers is prohibited on town property.

Any Town department when engaged in public health and safety operations shall be exempt from this Bylaw.

Effective date: As soon as practicable but no later than September 1, 2021.

In the event of a declaration (by Emergency Management Director, or other duly-authorized Town, Commonwealth, or United States official) of an emergency affecting the availability and/or quality of drinking water for Truro residents the Town shall be exempt from this Bylaw until seven (7) calendar days after such declaration has ended.

or to take any other action relative thereto.

Requested by Citizen Petition

Select Board Comment: This article was submitted by petition for consideration at Town Meeting.

Petitioner's Comment: A municipal plastic bottle ban was initiated in 2019 and has been adopted by 13 of the 15 towns in Barnstable County as of year-end 2020. Plastic bottles do not biodegrade and can last forever. Their production emits toxic waste into the air, and chemicals from plastic can leach into our beverages. When plastic bottles are discarded, they pollute the air if incinerated, contaminate groundwater if buried, clutter our beaches, roadways, forests, and roadways, and if ending up in our oceans threaten marine life.

Petitioner's Note: This article was requested by the Truro Select Board for inclusion on the Warrant for the April 28, 2020 Annual Town Meeting and recommended unanimously (5-0-0) to the voters. However, it did not appear on the final Warrant for the postponed Annual Town Meeting held on September 26. We urge the Select Board to request the article again for the 2021 ATM Warrant, with a slightly expanded Explanation and additional towns having adopted it.

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|-----------------------------|---|---|---|
| Select Board Recommendation | 0 | 0 | 5 |
|-----------------------------|---|---|---|

Article 36: Moved and seconded to table and indefinitely postpone. Article 36 indefinitely postponed.

Motioned and seconded to indefinitely postpone both Article 37 and Article 38.

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|--------------------|
| TWO-THIRDS VOTE |
|--------------------|

Article 37: Amendment to Charter Chap 3 & Chap 6—Make Zoning Board of Appeals an Elected Board- Petitioned Article

To see if the Town will vote, pursuant to G.L. c.43B §10(b), to amend sections 3-1-1 and 6-4-2 of the Town Charter, as set forth below, with ~~striketrough~~ text to be deleted and **bold underlined** text to be inserted, or take any other action relative thereto:

3-1-1 The membership of the following multi-member bodies shall be elected as follows:

A moderator shall be elected for a three-year term.

A Board of Selectmen [Select Board] of five members.

A School Committee of five members.

A Planning Board of seven members.

A Zoning Board of Appeals of five members.

A Board of Library Trustees of five members, notwithstanding the provisions

of

Section 10 of Chapter 78 of the General Laws.
A Housing Authority of four members in accordance with the General Laws.
A fifth member of the Housing Authority shall be appointed by the Commonwealth.
A Cemetery Commission of three members.

6-4-2 The regulatory multi-member bodies listed below shall be appointed by the Board of Selectmen [Select Board] in accordance with sections 4-3-2 and 6-2-6 of this Charter.

Board of Health
Board of Assessors
Conservation Commission
~~Zoning Board of Appeals~~

Requested by Citizen Petition

Select Board Comment: This article was submitted by petition for consideration at Town Meeting. Please note, because there is not transitional language included in this article, current members of the Zoning Board of Appeals would continue to serve until their appointment expires or until they resign, and elected positions could begin to be included on future election ballots once a vacancy is scheduled to occur. This could mean a three- to five- year transition period if the article is approved at the Election Ballot in 2022 and after being approved by the Attorney General.

Petitioner's Comment: The request to make the Zoning Board of Appeals an elected board is intended to enhance democratic principles of representation by making it directly accountable to Truro voters. The Planning Board, which has duties and authorities that complement those of the Zoning Board of Appeals, is an elected board. Making the Zoning Board of Appeals an elected board would eliminate an inconsistency in how the two related boards are constituted.

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| Charter Review Committee Recommendation | | | |
| Select Board Recommendation | 0 | 5 | 0 |

Article 37: Vote to indefinitely postpone passes by majority.

TWO-THIRDS
VOTE

Article 38: Amendment to Charter Chap 3 & Chap 6—Make Board of Health an Elected Board- Petitioned Article

To see if the Town will vote, pursuant to G.L. c.43B §10(b), to amend sections 3-1-1 and 6-4-2 of the Town Charter, as set forth below, with ~~striketrough~~ text to be deleted and **bold underlined** text to be inserted, or take any other action relative thereto:

3-1-1 The membership of the following multi-member bodies shall be elected as follows:

A moderator shall be elected for a three-year term.
A Board of Selectmen [Select Board] of five members.
A School Committee of five members.
A Planning Board of seven members.
A Board of Library Trustees of five members, notwithstanding the provisions

of

Section 10 of Chapter 78 of the General Laws.
A Housing Authority of four members in accordance with the General Laws.
A fifth member of the Housing Authority shall be appointed by the Commonwealth.
A Cemetery Commission of three members.
A Board of Health of five members.

6-4-2 The regulatory multi-member bodies listed below shall be appointed by the Board of Selectmen [Select Board] in accordance with sections 4-3-2 and 6-2-6 of this Charter.

~~Board of Health~~
Board of Assessors
Conservation Commission
Zoning Board of Appeals

Requested by Citizen Petition

Select Board Comment: This article was submitted by petition for consideration at Town Meeting. Please note, because there is not transitional language included in this article, current members of the Board of Health would continue to serve until their appointment expires or until they resign, and elected positions could begin to be included on future election ballots once a vacancy is scheduled to occur. This could mean a three- to five-year transition period if the article is approved at the Election Ballot in 2022 and after being approved by the Attorney General.

Petitioner's Comment: The request to make the Board of Health an elected board is intended to enhance democratic principles of representation by having it selected directly by the voters of Truro. The Board of Health adopts and enforces regulations pertaining to the health and safety of all residents of Truro and should, therefore, be directly accountable to Truro voters.

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| Charter Review Committee Recommendation | | | |
| Select Board Recommendation | 0 | 5 | 0 |

Article 38: Vote to indefinitely postpone passes by majority.

**Article 39: Tax Transparency of Financial Articles in Excess of \$50,000.00-
Petitioned Article**

To vote requesting that all financial warrant articles, outside the omnibus budget, which could incur expenditures in excess of \$50,000.00 be required to delineate their cost and the estimated tax impact (rate change or annual dollar increase) on an average home (assessed at a value of \$500,000 before any exemptions), thereby transparently informing voters as to the estimated and ongoing tax costs they will incur in relation to their votes; or to take any other action relative thereto.

Requested by Citizen Petition

Select Board Comment: This article was submitted by petition for consideration at Town Meeting can be considered by Town Meeting as a non-binding advisory vote.

Petitioner's Comment: The above is a citizens petition requesting the fiscally responsible requirement that financial warrant articles going to a town vote, and costing the town in excess of approximately \$50,000.00, include an estimated budget and the tax impact for an average assessed home in Truro. At the annual Town Meeting, the good and caring citizens of Truro are often asked to approve numerous financial warrant articles in addition to approving the annual town budget. These petitions and articles, which the citizens have little time to research prior to voting, have a substantial impact on the ongoing budget of the town and therefore on their ongoing tax burden. However, these tax impacts are not transparent to voters, warrant articles currently have no requirement of stating their tax impacts. Consequently, taxes can increase in Truro at an alarming rate in response to costly citizen petitions that get included on the town warrant along with town-initiated projects. In responsible fiscal management, proposed projects require budgets. So too should costly warrant articles, which are funded by tax dollars from the townspeople, who are asked to vote on them.

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| Finance Committee Recommendation | 5 | 0 | 0 |
| Select Board Recommendation | 5 | 0 | 0 |

Article 39: Move and seconded as written in the warrant. Article 39 passes by majority.

Article 40: Project Accounting & Quarterly Reporting on Total Expenditures over \$75,000.00- Petitioned Article

To see if the Town will vote to require that the Select Board authorize the Town Manager to implement Project Accounting methods to be used to make public by written report those expenditures that have exceeded or are proposed to exceed a total expenditure of \$75,000 or more on each specific project, regardless of duration. These project expenditures will be reported along with other summary reports commonly provided by town management so that voters can have a clear and timely understanding of town expenditures by project, posted no less frequently than quarterly on the Town of Truro website, or to take any other action relative thereto.

Requested by Citizen Petition

Select Board Comment: This article was submitted by petition for consideration at Town Meeting can be considered by Town Meeting as a non-binding advisory vote. The Select Board agrees with the intent of the article, but not with the way this article is worded.

Petitioner's Comment: The purpose of this article is to provide the public with quarterly accounting for projects or other town programs with expenditures exceeding \$75,000. Currently there is no requirement or mechanism in place to report on large financial undertakings to voters outside of Annual Town Meeting. These quarterly reports will serve to keep Truro taxpayers informed on a regular basis about significant financial outlays of taxpayer funds for Town-operated and for Town-supported projects carried out by third parties, including but not limited to capital and infrastructure projects. This will also reduce the need for and frequency of public information and public records requests and promote financial transparency.

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| Finance Committee Recommendation | 0 | 5 | 0 |
| Select Board Recommendation | 0 | 0 | 5 |

Article 40: Moved and seconded as written in the Warrant. Motion withdrawn. Moved Article 40 as amended: "To see if the Town will vote to require that the Select Board authorize the Town Manager to implement Project Accounting methods to be used to make public by written report those expenditures that have exceeded or are proposed to exceed a total expenditure of \$75,000 or more on each specific project, regardless of duration. These project expenditures will be reported so that voters can have a clear and timely understanding of town expenditures by project, using a suitable internet-based reporting mechanism, or to take any other action relative thereto", seconded. Article 40 as amended passes by majority.

Article 41: Add New Section to General By-laws- Truro Clean Water Fund- Petitioned Article

To see if the Town will vote to add Section XX to the Truro General Bylaws to establish the Truro Clean Water Fund to operate under the purview of the Water Resources Oversight Committee (WROC) and to implement and commit to future funding at levels to be determined by future Town vote in order to encourage, facilitate, and support the upgrade, improvement and replacement of cesspools and other non-Title V compliant waste systems as well as private well water filtration as needed.

Truro Clean Water Fund monies will be used to support and sustain the ability of residential properties to have safe drinking water and to produce wastewater effluence that is safe and healthy for Truro community members and for Truro natural waterways. Truro Clean Water Fund monies will be used to provide grants and/or low interest loans to property owners to subsidize cost of qualifying septic upgrades; to monitor levels of nitrates and other contaminants in ground water, runoff, and effluence; to fund pilot testing of new small wastewater and septic technologies in Truro; and to support other activities to ensure safe drinking water and discharge into groundwater and surface water in Truro.

It will operate at the discretion of the Water Resources Oversight Committee, an existing Committee whose members are appointed by the Select Board. The Truro Clean Water Fund will be allocated funds within the Omnibus Budget annually, commencing in FY23, and may be initiated and increased through payments made by developers pursuant to the Town's inclusionary zoning by-laws, donations, and contributions from other public and private sources, including other Truro funds created to serve those in need; or to take any other action relative thereto.

Requested by Citizen Petition

Select Board Comment: This article was submitted by petition for consideration at Town Meeting, however, as written, it is not in proper legal form.

Petitioner's Comment: The purpose of this article is to ensure that the recent decision of the Truro Board of Health to require conversion of all cesspools to Title V Septic systems by 2023 is financially feasible and that those homeowners who can demonstrate financial hardship to meet this requirement have financial assistance in order to comply; and to ensure that all Truro residents, property owners, and visitors have access to safe drinking water and will discharge effluence through their activities that is safe for humans and other living things found in Truro's land, air and waters. As the last rural Town on the Cape, the health and beauty of our environment are inextricably linked to our daily activities and choices. We need tools and resources to ensure we make informed choices and have the means to implement them to the benefit of our community.

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| Finance Committee Recommendation | 0 | 5 | 0 |
| Select Board Recommendation | 0 | 5 | 0 |

Article 41: Moved and seconded to indefinitely postpone. Article 41 indefinitely postponed.

ADVISORY ARTICLES

Article 43: Advisory Vote on the Use of Automated Tabulator

To see if the Town will vote to recommend to the Select Board to discontinue the use of the hand crank ballot box system and begin using the ImageCast Precinct Optical Scan Tabulator, or to take any other action relative thereto.

Requested by the Select Board

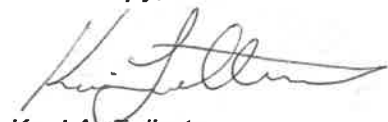
Explanation: The Select Board is soliciting a recommendation from Town Meeting voters regarding the discontinuance of the hand crank ballot box and the use of an automated tabulator at future elections. This vote can be considered by Town Meeting as a non-binding advisory vote and will inform the Select Board so that they may vote on the method of vote counting in accordance with M.G.L. Chapter 54, Section 34. The ImageCast Precinct Optical Scan Tabulator is an automatic counting machine that will accept voters' hand-completed ballots and will tally votes for Election Officials. The tabulator provides a printed report of the votes, to be added to write in votes and unreadable ballots, prior to transmission by the current practices and certification of election results.

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| Select Board Recommendation | 5 | 0 | 0 |
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Article 43: Moved and seconded to recommend by way of a non-binding advisory vote that the Select Board approve the use of an automated tabulator at all elections as the method of vote counting in accordance with M.G.L Chapter 54, Section 34. Article 43 fails, majority did not vote in favor.

Motion called to adjourn Annual Town Meeting sine die 2:14pm

A true copy, attest:



Kaci A. Fullerton
Town Clerk, Town of Truro
July 22, 2021

